receipts is entitled "Gross Receipts Form for Utility Companies" and may also be found on the Commission's website at www.psc.state.sc.us/reference/forms.asp.

Additionally, pursuant to the Commission's regulations, the Company shall file a "CLEC Service Quality Quarterly Report" with the Commission. The proper form for this report can be found at the Commission's website at www.psc.state.sc.us/reference/forms.asp.

15. T he Federal Communications Commission (FCC) in July of 2000 required all telecommunications carriers throughout the United States to implement three-digit, 711, dialing for access to all Telecommunications Relay Services (TRS). The Commission issued a memorandum in March of 2001 instructing all South Carolina telecommunications carriers to implement the service completely by October of 2001. All competitive local exchange carriers (CLECs) and incumbent local exchange carriers (ILECs) were instructed to include language in their tariffs introducing 711 as a new service offering with deployment by July 1, 2002, and to translate 711 dialed calls to 1-800-735-2905. All Payphone Service Providers (PSPs) were instructed to modify their programmable phones to translate calls dialed as 711 to their assigned TRS toll free number 1-800-735-2905 in order to route 711 calls to the TRS provider before October 1, 2001. Additionally, telephone directories were required to be updated and bill inserts promoting 711 were also required. This Company must comply with the applicable mandates. For complete information on compliance with this FCC and Commission requirement, go to the Commission's website at www.psc.state.sc.us/reference/forms.asp.

- 16. For good cause shown, the requirements of 26 S.C. Code Regs. 103-631 to publish and distribute local exchange directories are waived for TWCIS provided that TWCIS contracts with incumbent carriers to ensure that TWCIS' customers are included in the incumbent's directory,
- 17. For good cause shown, any record keeping policies that might require TWCIS to maintain its financial records in conformance with the Uniform System of Accounts ("USOA") are be waived, and TWCIS is hereby permitted to maintain its books in accordance with Generally Accepted Accounting Principles ("GAAP").
- 18. For good cause shown, TWCIS is granted a waiver of 26 S.C. Code Regs. 103-610, which requires a carrier to keep and maintain its books and records within the State of South Carolina, provided that the records are maintained at the home office in Connecticut, that TWCIS will maintain a registered agent in South Carolina, and that TWCIS will bear the costs associated with the Commission's inspection of its books and records.
- 19. The Commission concludes that TWCIS should be granted a waiver of 26 S.C. Code Regs. 103-622.1(d) which requires that toll charges be itemized. TWCIS will be offering a bundled, flat-rate plan which includes both local and long distance IP voice services. Accordingly, TWCIS will not charge for individual toll calls. Further, customers will receive a monthly statement and will be able to obtain copies of individual call details through TWCIS' secure website or by requesting the information directly from TCWIS.

20. The Commission orders TWCIS to fully explain the limitations of service to all prospective customers. Witness Patterson described for the Commission how TWCIS will market its services and further testified that TWCIS reveals in its marketing that power outages at either the customers home or along the network could result in telecommunications service outages. The Commission therefore orders TWCIS to explain to all potential customers the possibility of service outages due to power failure and the limitations on battery back-up. Staff is also order to monitor TWCIS'm arketing activity and to report complaints arising from disruption of service to the Commission.

This Order shall remain in full force and effect until further Order of the
 Commission.

BY ORDER OF THE COMMISSION:

/s/ _	
Mignon L. Clyburn, Chairman	

ATTEST:

/s/
Bruce F. Duke, Executive Director
(SEAL)

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO.

			S B I
IN RE:	Application of Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable to Amend its Certificate of Public Convenience and Necessity to Provide Interexchange and Local Voice Services in Alltel South Carolina, Inc.'s Service Areas))))	37-1 M =: 57
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Application of Time Warner Cable Information Services (South Carolina), LLC

Pursuant to Section 253 of the Telecommunications Act of 1996, South Carolina Code Section 58-9-280, and the Rules and Regulations of the Commission, Time Warner Cable Information Services (South Carolina), LLC, doing business as Time Warner Cable, ("TWCIS" or "Applicant"), hereby submits this Application to amend its Certificate of Public Convenience and Necessity under Order No. 2004-213 to authorize TWCIS to serve customers in certain areas where an incumbent telephone company currently has a rural exemption under 47 U.S.C. Section 251(f)(1). Specifically TWCIS seeks to provide interexchange and local voice services in the service areas of Alltel South Carolina, Inc. ("Alltel").

In Docket No. 2003-362-C, TWCIS was authorized to implement an alternative regulatory plan under S.C. Code Sections 58-9-575 and 58-9-585 and would like to operate under the same scheme in the service areas described in this application. In support of its Application and in compliance with the Commission's Rules and Regulations, TWCIS submits the following information:

1. Time Warner Cable Information Services (South Carolina), LLC is the legal name of the Applicant. Applicant's principal place of business is:

Time Warner Cable Information Services (South Carolina), LLC 290 Harbor Drive Stamford, Connecticut 06902

2. Communications relating to this application should be directed to TWCIS's attorney of record:

Frank R. Ellerbe, III
Bonnie D. Shealy
Robinson McFadden & Moore, P.C.
Post Office Box 944
Columbia, South Carolina 29202
Telephone (803) 779-8900
Facsimile (803) 252-0724

And

Julie Y. Patterson, Esquire Vincent Paladini, Esquire 290 Harbor Drive Stamford, Connecticut 06902

Phone: 203-328-0671 Fax: 203-328-4840

3. Questions concerning TWCIS's ongoing operations should be directed to:

Julie Y. Patterson 290 Harbor Drive Stamford, Connecticut 06902 Phone: 203-328-0671

Fax: 203-328-4840

4. Customer inquiries or complaints should be directed to:

Julie Y. Patterson 290 Harbor Drive Stamford, Connecticut 06902

Phone: 203-328-0671 Fax: 203-328-4840

And

Charlene Keys, Vice President & General Manager, Digital Phone Time Warner Cable 293 Greystone Boulevard Post Office Box 211961 Columbia, South Carolina 29221

Phone: 803-799-2646 Fax: 803-251-5389

5. The name and address of TWCIS's registered agent in South Carolina is:

CT Corporation System
75 Beattie Place
Greenville, South Carolina 29601

- 6. TWCIS is limited liability company organized under the laws of the State of Delaware. TWCIS incorporates by reference the Articles of Organization and Operating Agreement and its certificate of Authority to Transact Business in South Carolina which were provided in its initial certification application in Docket No. 2003-362-C.
- 7. The Commission concluded in Order No. 2004-213 that TWCIS is financially qualified to provide local and interexchange services in South Carolina. As indicated in its initial application which is incorporated by reference Time Warner Entertainment Company, L.P. is committed to providing necessary financial support to TWCIS's service offerings in South Carolina.
- 8. In Order No. 2004-213, the Commission concluded that TWCIS possesses the managerial and technical resources to provide telecommunications services. TWCIS will rely on the individuals identified in Docket No. 2003-362-C for technical and managerial support for its South Carolina operations in the service areas of Alltel.
- 9. TWCIS plans to provide facilities-based local and long distance Internet protocol ("IP") voice service, targeted to the residential market in Alltel's service areas under the alternative regulatory scheme approved in Docket No. 2003-362-C pursuant to the current South Carolina Tariff No. 1 which is on file with the Commission and incorporated by reference.
 - 10. Except as noted herein in any applicable waiver request, TWCIS will abide by all

applicable statutes and all applicable Orders, rules, and regulations entered and adopted by the Commission.

- 11. TWCIS will participate to the extent it may be required to do so by the Commission in the support of universally available telephone service at affordable rates.
- 12. The Commission granted TWCIS certain waivers of its regulatory requirements in Order No. 2004-213; and TWCIS respectfully requests a continued waiver of the same requirements in regard to this request to amend its certificate for these additional service areas. More specifically, the Commission waived the requirements of S.C. Code Ann. Regs. 103-610, 103-631, 103-622.1(d), and that TWCIS be exempt from any record-keeping rules or regulations that might require a carrier to maintain its financial records in conformance with the Uniform System of Accounts.
- 13. In recognition of the currently unsettled nature of the issues surrounding the appropriate regulatory treatment of IP-based voice services such as proposed by the Applicant, nothing in this submission should be construed as a concession or agreement by TWCIS that the services at issue in this Application constitute telecommunications services, local exchange services, common carrier offerings, or services that are otherwise subject to federal or state regulation, nor that the entity or entities providing them constitute telecommunications carriers, telecommunications providers, local exchange carrier, interexchange carriers, common carriers, or other regulated entities.

WHEREFORE, Time Warner Cable Information Services (South Carolina), LLC respectfully requests that the Commission issue it a Certificate of Public Convenience and Necessity authorizing it to provide local and interexchange voice services in the service areas of Alltel.

Dated this	 day of October	2004.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

Frank R. Ellerbe, III, Esquire
Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
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BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO.

IN RE:	Application of Time Warner Cable Information Services (South Carolina), LLC, d/b/a Time Warner Cable to amend its Certificate of Public Convenience and Necessity to Provide Interexchange and Local Voice Services in Service Areas of Certain Incumbent Carriers who Currently have a Rural Exemption))))	SO CONTROL OF THE STATE OF THE
	who Currently have a Rural Exemption)	5

Application of Time Warner Cable Information Services (South Carolina), LLC

Pursuant to Section 253 of the Telecommunications Act of 1996, South Carolina Code Section 58-9-280, and the Rules and Regulations of the Commission, Time Warner Cable Information Services (South Carolina), LLC, doing business as Time Warner Cable, ("TWCIS" or "Applicant"), hereby submits this Application to amend its Certificate of Public Convenience and Necessity under Order No. 2004-213 to authorize TWCIS to serve customers in certain areas where incumbent telephone companies currently have a rural exemption under 47 U.S.C. Section 251(f)(1). Specifically TWCIS seeks to provide interexchange and local voice services in the service areas of the following incumbent local exchange carriers: Farmers Telephone Cooperative, Inc. ("Farmers Telephone"); Fort Mill Telephone Company, d/b/a Comporium Communications, Inc. ("Ft. Mill Telephone"); Home Telephone Company, Inc. ("Home Telephone"); PBT Telecom, Inc. ("PBT"); and St. Stephen Telephone Company ("St. Stephen") (collectively "ILECs").

In Docket No. 2003-362-C, TWCIS was authorized to implement an alternative regulatory plan under S.C. Code Sections 58-9-575 and 58-9-585 and would like to operate under the same scheme in the service areas described in this application. In support of its Application and in compliance with the Commission's Rules and Regulations, TWCIS submits the following information:

1. Time Warner Cable Information Services (South Carolina), LLC is the legal name of the Applicant. Applicant's principal place of business is:

Time Warner Cable Information Services (South Carolina), LLC 290 Harbor Drive Stamford, Connecticut 06902

Communications relating to this application should be directed to TWCIS's attorney of record:

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Charlene Keys, Vice President & General Manager, Digital Phone Time Warner Cable 293 Greystone Boulevard Post Office Box 211961 Columbia, South Carolina 29221 Phone: 803-709-2646

Phone: 803-799-2646 Fax: 803-251-5389

5. The name and address of TWCIS's registered agent in South Carolina is:

CT Corporation System
75 Beattie Place
Greenville, South Carolina 29601

- 6. TWCIS is limited liability company organized under the laws of the State of Delaware. TWCIS incorporates by reference the Articles of Organization and Operating Agreement and its certificate of Authority to Transact Business in South Carolina which were provided in its initial certification application in Docket No. 2003-362-C.
- 7. The Commission concluded in Order No. 2004-213 that TWCIS is financially qualified to provide local and interexchange services in South Carolina. As indicated in its initial application which is incorporated by reference Time Warner Entertainment Company, L.P. is committed to providing necessary financial support to TWCIS's service offerings in South Carolina.
- 8. In Order No. 2004-213, the Commission concluded that TWCIS possesses the managerial and technical resources to provide telecommunications services. TWCIS will rely on the individuals identified in Docket No. 2003-362-C for technical and managerial support for its South Carolina operations in the service areas of the ILECs.
- 9. TWCIS plans to provide facilities-based local and long distance Internet protocol ("IP") voice service, targeted to the residential market in ILEC's service areas under the alternative regulatory scheme approved in Docket No. 2003-362-C pursuant to the current South Carolina Tariff No. 1 which is on file with the Commission and incorporated by reference.

- 10. Except as noted herein in any applicable waiver request, TWCIS will abide by all applicable statutes and all applicable Orders, rules, and regulations entered and adopted by the Commission.
- 11. TWCIS will participate to the extent it may be required to do so by the Commission in the support of universally available telephone service at affordable rates.
- 12. The Commission granted TWCIS certain waivers of its regulatory requirements in Order No. 2004-213; and TWCIS respectfully requests a continued waiver of the same requirements in regard to this request to amend its certificate for these additional service areas. More specifically, the Commission waived the requirements of S.C. Code Ann. Regs. 103-610, 103-631, 103-622.1(d), and that TWCIS be exempt from any record-keeping rules or regulations that might require a carrier to maintain its financial records in conformance with the Uniform System of Accounts.
- 13. In recognition of the currently unsettled nature of the issues surrounding the appropriate regulatory treatment of IP-based voice services such as proposed by the Applicant, nothing in this submission should be construed as a concession or agreement by TWCIS that the services at issue in this Application constitute telecommunications services, local exchange services, common carrier offerings, or services that are otherwise subject to federal or state regulation, nor that the entity or entities providing them constitute telecommunications carriers, telecommunications providers, local exchange carrier, interexchange carriers, common carriers, or other regulated entities.

WHEREFORE, Time Warner Cable Information Services (South Carolina), LLC respectfully requests that the Commission issue it a Certificate of Public Convenience and Necessity authorizing it to provide local and interexchange voice services in the service areas of Farmers Telephone; Fort Mill Telephone; Home Telephone; PBT; and St. Stephen.

Dated this		day	of	October,	. 2004.
	 	,	~-		,

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

Frank R. Ellerbe, III, Esquire
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Staff.

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

COLUMBIA, SOUTH CAROLINA

HEARING #10681

MARCH 31, 2005



DOCKET NO. 2004-280-C: TIME WARNER CABLE INFORMATION SERVICES (SOUTH CAROLIN), LLC, DBA TIME WARNER CABLE - Application to Amend Certificate of Public Convenience and Necessity Granted to it under Commission Order No. 2004-213.

HEARING BEFORE: Randy MITCHELL, CHAIRMAN, G. O'Neal HAMILTON, VICE CHAIRMAN; and COMMISSIONERS John E. "Butch" HOWARD, Elizabeth B. "Lib" FLEMING. Mignon L. CLYBURN, and C. Robert Moseley.

Chief Counsel: Joseph Melchers, Esq.

STAFF: James B. Spearman, Ph.D., Douglas Pratt, MaryJane Cooper, Court Reporter, and Dale Davis and Hope H. Adams, Hearing Room Assistants.

APPEARANCES: Frank R. Ellerbe III, Esq., and Bonnie D. Shealy, Esq., representing TIME WARNER CABLE INFORMATION SERVICES, LLC, Applicant.

M. John Bowen, Jr., Esq., and Margaret M. Fox, Esq., representing FARMERS TELEPHONE COOPERATIVE, INC., FORT MILL TELEPHONE COMPANY D/B/A COMPORIUM COMMUNICATIONS, INC., HOME TELEPHONE COMPANY, INC., PBT TELECOM, INC., St. Stephen Telephone Company, and South Carolina Telephone Coalition, Intervenors.

Benjamin P. Mustian, Esq., representing, the Office of Regulatory

TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

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45 46 47

> PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA 101 Executive Center Drive, Columbia SC 29210 Post Office Box 11649, Columbia SC 29211 www.psc.state.sc.us

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1	A	I guess my question is, would you be plugging that phone
2		in and what would it be plugged into. If you're at the
. 3		beach, you can take any phone with you, I guess.
4	Q	So, it's not different than any other phone basically?
5	A	You could conceivably take the modem with you to another
, 6		home anywhere in the world and try to plug it in, and it
7		would not operate. It would likely operate within
8		Columbia although that's questionable. We direct
9		customers that the service is intended for use in their
10		home at their address that's described in their service
.11		agreement with us. Just as with their modem service or
12	·	their cable television service, that if they move, they
13		should call us, and we will move the service. We do not
14		market the service, I think this is your question, as a
15		portable service.
16	Q	My question was twofold, but that was part of it. As I
17		understand your previous testimony, what you're
18		attempting to do is get the ability to provide
19		interconnection through TWCIS. Is that right?
20	A	That's correct. We need certification in order to obtain
21		interconnection rights.
22	Q	But, I thought you said today that you've obtained that
23		service through MCI today?
24	A	That's correct.
25	Q	Is it your position that if you can move the retail

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service offerings and the tariffs that are currently with this Commission today, the Commission doesn't have the option to regulate that anymore. You're going to pull that all out, according to what you're saying here. Is it your position that if TWCIS gets the interconnection that you could go ahead and serve in our territories on a retail basis because it's not regulated? Before TWCIS obtains interconnection or after? I mean, you can't provide the types of services that Time Warner Cable has chosen to provide including the 911 that we just talked about, including the access to the TRS system, the telecommunications relay service, including the ability to port telephone numbers. All of those things require someone, whether it's an affiliated or an unaffiliated entity to have interconnection agreements with incumbent LECs because you need access to things that are still controlled by incumbent LECs. So someone needs to obtain an interconnection agreement for us to physically be able to go in and provide service in the areas served by your members. Is it your understanding that MCI is providing you that service today? MCI's providing us that service in portions of South Carolina, and they're attempting to obtain interconnection agreements in some of the areas that are

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areas as soon as MCI gets that interconnection agreement?

As soon as the interconnection agreement is obtained, 1 approved by the Commission and then implemented in terms 2 of deployment, yes. So, the question about other things such as TWCIS having 4 Q to go in and get additional authority to provide or try 5 to do away with any rule exemptions or any of those kind 6 of things, those really at that point are over here on 7 the side because your position is that as long as MCI 8 completes its arbitration proceeding before this 9 Commission, then you can provide these services that 10 you're asking for today in those five telephone 11 companies' areas without any further authorization. 12 As long as a few things happen. One is that the 13 arbitration is completed and that the issue, which I 14 believe has been raised in the arbitration, about MCI's 15 ability under the law to provide the services it provides 16 to Time Warner Cable. As long as that's upheld, and MCI 17 is able to continue to provide us those services, that 18 has to be in place. The Vonage Order must remain intact 19 and not be overturned through the appeal that's pending 20 21 now in the Ninth Circuit. And, I guess that's it, but 22 yes, that's correct. 23 And if I don't get hit by the beer truck on the way home Q 24 tonight. Well, I think we all have to make sure that the future 25

and the changes in the law and the changes that may come 1 about, I mean, one of the things that's being challenged 2 in that arbitration is the ability of MCI to provide the 3 wholesale services to Time Warner Cable that it provides. If that is ruled to be unlawful, then Time Warner Cable 5 has to be able to go out on its own and get those 6 interconnection agreements. So, yes, it's taking place 7 separately. But, the implication, I suppose that it's not 8 necessary. I mean that's all I was trying to comment on. 9 TWCIS then, the reason that they're here today is 10 basically to try to provide the services for yourselves 11 rather than Time Warner providing the services for you 12 13 which they are doing today. 14 You mean MCI not Time Warner. Α 15 MCI, I'm sorry. Q Yes and also to provide other regulated services to 16 commercial businesses as we see fit, to provide 17 commercial transport services and business telecom 18 19 services. 20 You can't do that today? Not in the areas in which the certification is being 21 Α sought today. We can in other areas. 22 23 Thank you. That's all the questions. CHAIRMAN MITCHELL: Mr. Mustian? 24 MR. MUSTIAN: Thank you, Mr. Chairman. 25

Volume 1 of 1

2 apply?	
· •	•
3 A To our services?	
4 Q Yes.	
5 A Yes, I've made that clear today.	
6 Q Therefore, your position before this Commission	is that
7 the Commission is preempted, which means that y	ou could
8 take this service and provide it in our service	areas
9 today?	
10 A If we have interconnection, which is dependent	upon a
11 successful arbitration between MCI and the comp	anies at
issue and/or Time Warner Cable on its own obtai	ning
interconnection agreements which it cannot do w	without a
14 certification.	
15 Q Let's assume for the sake of discussion this Co	mmission
does not believe that the <i>Vonage Order</i> applies.	Then, in
that case, and they rule that way, then in that	case, if
18 they rule that way now in this proceeding then	in that
case, you wouldn't be able to provide service i	n those
20 areas unless under some other action here or th	e FCC or
21 wherever?	
22 A If they ruled that the Vonage preemption did no	ot apply to
us but granted our certification, then we would	l still be
able to provide service because we would be cer	tificated,
and we would abide by that rule.	

- dialing parity and those things, right? Isn't that the -1 2 way it works? 3 That's the authority that's been given to companies per Α the Act. That's correct. 4 The decision maker, with respect to those issues, is this 5 Commission both with respect to setting aside the rural 6 exemption and with respect to the company's ability to 7 come in and say, relieve us from obligations under Part B. 8 Based on a bona fide request, that's correct. 9 Α The first thing, I'm glad you mentioned that because 10 that's where I was heading. First thing that has to 11 happen is, there's got to be a bona fide request. 12 Correct. 13 For interconnection. Then the issues that are involved in 14 15 those questions relate to what is it that the company's 16 asked for in this interconnection agreement. Is it 17 infeasible; is it too burdensome, correct? 18 Correct. Α But, we can't, Time Warner can't begin the process until 19 it is certified by this Commission in those areas, 20 21 correct? 22 Correct. Would you agree with me that certification in and of 23 itself does not take away the rural companies' rural 24
 - PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA 101 Executive Center Drive, Columbia SC 29210 Post Office Box 11649, Columbia SC 29211

exemption, correct?

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